

# Notice of Allowability

Application No.

09/498,271

Examiner

Son P. Huynh

Applicant(s)

SCHAFFER, J. DAVID

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/01/04 and telephone interview on 10/14/05.
2. ☒ The allowed claim(s) is/are 7,8,10-22,24,25,31-45,47,48,51 and 52 have renumbered as 1-36.
3. ☒ The drawings filed on 17 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Steven R. Biren (Reg. 26,531) on June 22, 2005 and on October 14, 2005.

2. The application has been amended as follows:

In the claims:

Claims 23, 46 have been cancelled.

Claim 31:

In lines 1-3, the limitation "At least one medium readable by a data processing device and embodying software arranged to perform the following operations: " has been replaced by **"A computer readable medium having computer-executable instructions stored thereon for performing the method comprising:"**

Art Unit: 2611

In line 9, the limitation "the at least one medium" has been replaced by **"the computer readable medium"**

In line 15, the limitation "the software" has been replaced by **"the computer-executable instructions"**

Claim 32:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

In line 2, the limitation "the software" has been replaced by **"the computer-executable instructions"**.

Claim 33:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

In line 2, the limitation "the at least one medium" has been replaced by **"the computer readable medium"**.

Claim 34:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 35:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

In lines 1-2, the limitation "the software" has been replaced by **"the computer-executable instructions"**.

Claim 36:

In lines 1-3, the limitation "At least one medium readable by a data processing device and embodying software arranged to perform the following operations:" has been replaced by **"A computer readable medium having computer-executable instructions stored thereon for performing the method comprising:"**

In line 9, the limitation "the software" has been replaced by **"the computer-executable instructions"**

Claim 37:

In lines 1-3, the limitation "At least one medium readable by a data processing device and embodying software arranged to perform the following operations:" has been replaced by **"A computer readable medium having computer-executable instructions stored thereon for performing the method comprising:"**

In line 9, the limitation "the software" has been replaced by **"the computer-executable instructions"**.

Claim 38:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 39:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 40:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 41:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 42:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 43:

In lines 1-3, phrase "At least one medium readable by a data processing device and embodying software arranged to perform the following operations:" has been

replaced by **"A computer readable medium having computer-executable instructions stored thereon for performing the method comprising:"**

Claim 44:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

Claim 45:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

In line 2, the limitation "the software" has been replaced by **"the computer-executable instructions"**.

Claim 47:

In lines 1-3, the limitation "At least one medium readable by a data processing device and embodying software arranged to perform the following operations:" has been replaced by **"A computer readable medium having computer-executable instructions stored thereon for performing the method comprising:"**

Claim 48:

In line 1, the limitation "The at least one medium" has been replaced by **"The computer readable medium"**.

**Allowable Subject Matter**

3. Claims 7-8, 10-22, 24-25, 31-45, 47-48, 51-52 are allowed, as indicated in the Office Action mailed on 10/20/2004.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH

June 23, 2005



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